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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,869	12/24/2003	Masaya Katayama	Q79010	9349
23373 7590 05/16/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER NGUYEN, JOHN QUOC	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/743,869	<b>Applicant(s)</b> KATAYAMA, MASAYA	
	<b>Examiner</b> John Q. Nguyen	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 2, 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Applicant's election without traverse of the species of figs. 5-9, claims 1-4 and 6-8, in the reply filed on 9/23/05 has been acknowledged. Claim 5 stands withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/23/05.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "slits" in claim 4 is used by the claim to mean "notch", while the accepted meaning is "a straight, narrow cut, opening, or aperture". The term is indefinite because the specification does not clearly redefine the term.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Schwinne (US-3260362). Note insertion portion 9, flat face 6, concentric ribs 3 and 4, and the sequential energy absorbing zones including 2, 5, 7 and 11 which are concentric relative to the center of the device.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwinne (US-3260362) in view of Crawford (US-4657203).

Crawford discloses a similar device in which ribs 26 have "slits"/notches 32, 34, and 36. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of Schwinne with "slits"/notches in the ribs as taught by Crawford to store inner windings if present or desired.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwinne (US-3260362) in view of JP 2002-244249 or JP 2002-244249 in view of Schwinne (US-3260362).

JP '249 discloses a roll with protecting/support members 2 in a rectangular parallelepiped housing. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of Schwinne in a housing as taught by JP '249 to facilitate handling or it would have been obvious to a person having ordinary skill in the art to alternatively provide the JP apparatus with protecting/suspension members as taught by Schwinne to more effectively absorb energy.

Claims 1, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-244249 in view of Schwinne (US-3260362).

JP'249, as advanced above, discloses substantially all the claimed features (see at least figs. 4-6) including concentric ribs 7 and 8 forming a plurality of concentric sequential energy absorbing space zones (such as toward the center). What is not disclosed is for the corners of members 2/6 to be cut. Schwinne has been advanced above. It would have been obvious to a person having ordinary skill in the art to have the corners of the members 2/6 cut as taught by Schwinne so that the assembly can be inserted into differently shaped containers such as tubular containers.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-244249 in view of Schwinne (US-3260362) as applied to claims 1, 7, 8 above, and further in view of Crawford (US-4657203).

Crawford discloses a similar device in which ribs 26 have "slits"/notches 32, 34, and 36. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of JP'249 modified as above with "slits"/notches in the ribs as taught by Crawford to store inner windings if present or desired.

Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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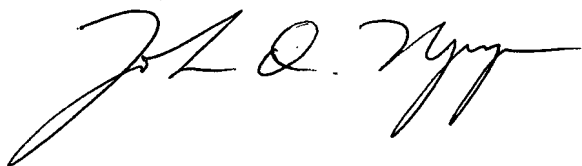
Applicant's arguments filed 10/3/06 have been fully considered but they are not persuasive.

As noted above, Schwinne clearly shows concentric ribs 3 and 4 and a plurality of concentric sequential energy zones including 2, 5, 7, and 11.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday-Friday, from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford, can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "J. Q. Nguyen", with a stylized, flowing script.

John Q. Nguyen  
Primary Examiner  
Art Unit 3654